

The Honorable Judge John C. Coughenour

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

STATE OF WASHINGTON; STATE OF
ARIZONA; STATE OF ILLINOIS; and
STATE OF OREGON

Plaintiffs,

v.

DONALD TRUMP, in his official capacity
as President of the United States; U.S.
DEPARTMENT OF HOMELAND
SECURITY, KRISTI NOEM, in her official
capacity as Secretary of Homeland Security;
U.S. SOCIAL SECURITY
ADMINISTRATION MICHELLE KING, in
her official capacity as Acting
Commissioner of the Social Security
Administration, U.S. DEPARTMENT OF
STATE; MARCO RUBIO, in his official
capacity as Secretary of State; U.S.
DEPARTMENT OF HEALTH AND
HUMAN SERVICES; DOROTHY FINK,
in her official capacity as Acting Secretary
of Health and Human Services; U.S.
DEPARTMENT OF AGRICULTURE,
GARY WASHINGTON, in his official
capacity as Acting Secretary of Agriculture;
and the UNITED STATES OF AMERICA,

Defendants.

NO. 2:25-CV-00127-JCC

[PROPOSED] ORDER GRANTING
PLAINTIFF STATES' MOTION FOR
PRELIMINARY INJUNCTION

NOTE ON MOTION CALENDAR:
FEBRUARY 6, 2025

1 This matter came before the Court on Plaintiff States’ Motion for Preliminary Injunction
 2 in response to the President’s Executive Order entitled “Protecting the Meaning and Value of
 3 American Citizenship,” (Jan. 20, 2025) (Executive Order). The Court has considered all of the
 4 following:

5 1. Plaintiff States’ Motion for Preliminary Injunction (ECF No. __), with supporting
 6 declarations and exhibits;

7 2. Defendants’ Response to Plaintiff States’ Motion for Preliminary Injunction
 8 (ECF No. __), with supporting declarations and exhibits;

9 3. Plaintiff States’ Reply in Support of Motion for Preliminary Injunction
 10 (ECF No. __);

11 4. The argument of counsel at the hearing held February 6, 2025; and

12 5. The entire record in the above-captioned matter.

13 Being fully apprised of the matter, it is hereby ORDERED, ADJUDGED, AND
 14 DECREED that the Plaintiff States’ Motion for Preliminary Injunction is GRANTED.

15 A preliminary injunction is warranted where the moving party establishes that: (1) it is
 16 likely to succeed on the merits; (2) irreparable harm is likely in the absence of preliminary relief;
 17 (3) the balance of equities tips in the movant’s favor; and (4) an injunction is in the public
 18 interest. *Winter v. Nat. Res. Def. Council, Inc.*, 555 U.S. 7, 20 (2008).

19 The Court first concludes that the Plaintiff States have sovereign and pecuniary standing
 20 to challenge the Executive Order. By rendering large classes of non-citizens “not subject to the
 21 jurisdiction” of the United States, Executive Order § 1, the Executive Order impairs the Plaintiff
 22 States’ ability to “exercise sovereign power over individuals and entities within [their]
 23 jurisdiction[s].” *Alfred L. Snapp & Son, Inc. v. Puerto Rico, ex rel., Barez*, 458 U.S. 592, 601
 24 (1982). That impairment on the Plaintiff States’ sovereign interest is sufficient to confer
 25 standing. The Plaintiff States have likewise evidenced a variety of concrete monetary losses that
 26 would flow from the Executive Order, as well as new and ongoing operational costs they will

1 incur. Under established Supreme Court precedent, these harms plainly confer standing.
 2 *Biden v. Nebraska*, --- U.S. ----, 143 S. Ct. 2355, 2365-66 (2023); *United States v. Texas*,
 3 599 U.S. 670, 676 (2023); *City & Cnty. of San Francisco v. U.S. Citizenship & Immigr. Servs.*,
 4 981 F.3d 742, 754 (9th Cir. 2020).

5 The Plaintiff States have established a strong likelihood of success on the merits of their
 6 claims that Executive Order violates the Fourteenth Amendment and Immigration and
 7 Nationality Act. The plain text of the Citizenship Clause of the Fourteenth Amendment and
 8 controlling Supreme Court precedent make clear that all children born on U.S. soil are citizens
 9 subject to the jurisdiction of the United States. *United States v. Wong Kim Ark*, 169 U.S. 649,
 10 704 (1898); *Plyler v. Doe*, 457 U.S. 202, 211, 214-15 (1982). The Immigration and Nationality
 11 Act codifies the same rule via statute. 8 U.S.C. § 1401(a). The Plaintiff States have further
 12 demonstrated that they would suffer irreparable harm absent preliminary injunctive relief, and
 13 that the balance of equities and the public interest weigh in favor of an injunction. A nationwide
 14 injunction is necessary due to the extraordinary nature of the Executive Order and to provide
 15 complete relief to the Plaintiff States. *See Biden*, 143 S. Ct. at 2373 (acknowledging nationwide
 16 relief necessary when “one branch of government [has] arrogated to itself power belonging to
 17 another.”); *Doe #1 v. Trump*, 957 F.3d 1050, 1069 (9th Cir. 2020) (nationwide injunction
 18 necessary to provide complete relief to plaintiffs).

19 Accordingly, it is HEREBY ORDERED:

- 20 1. The Plaintiff States’ Motion for Preliminary Injunction (ECF No. __) is GRANTED;
- 21 2. Pursuant to Federal Rule of Civil Procedure 65(a), Defendants and their officers,
 22 agents, servants, employees, attorneys, and any person in active concert or
 23 participation, are PRELIMINARILY ENJOINED on a nationwide basis from:
 - 24 a. Enforcing or implementing Section 2(a) of the Executive Order;
 - 25 b. Enforcing or implementing Section 3(a) of the Executive Order;
 - 26 c. Enforcing or implementing Section 3(b) of the Executive Order; or

d. Taking any further steps in reliance on the Executive Order, pending further orders from this Court.

3. No bond shall be required. Fed. R. Civ. P. 65(c).

ISSUED this ____ day of _____ 2025.

UNITED STATES DISTRICT JUDGE

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